IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

LA.App..No. 70 of 2003()

LAR.6/1999 of ADDL.SUB COURT,PARAVUR
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APPELLANT: ADDL.2ND RESPONDENT

KOCHI INTERNATINAL AIRPORT SOCIETY
REP.BY ITS MANAGING DIRECTOR, ANGAMALY.

BY ADV. SRI.N.N.SUGUNAPALAN

RESPONDENTS: CLAIMANT & 1ST RESPONDENT
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1. DEVASSYKUTTY S/O. KURIYAN POULO
PADAYATTIL HOUSE, THURUVARUMKARA,
REPRESENTED BY POWER OF ATTORNEY HOLDER JAISON
PADAYATIL HOUSE, THURAVUMKARA.

2. STATE OF KERALA, REP.BY DISTRICT
COLLECTOR, ERNAKULAM, ERNAKULAM DISTRICT.

BY ADV. SRI.JACOB MATHEW MANALIL
SRI.G.G.MANOJ
GOVERNMENT PLEADER SRI.K.V.MANOJKUMAR.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.70 of 2003

Dated this the 5th day of December, 2007

JUDGMENT

Kurian Joseph,J.

This is an appeal filed against the judgment and decree in L.A.R.No.6/1999 on the file of the Addl. Sub Court, North Paravur. There is a dispute regarding categorisation in this case. On the basis of the materials available on record the court has rightly found that the acquired property of the claimants is to be included in category 4. In category 4 the value fixed by the Land Acquisition Officer is Rs.2625/- per Are. In L.A.A.NO.412/2001 and several cases this court has held that the enhancement was only at 45% over and above the value fixed by the Land Acquisition Officer. Therefore, this appeal is partly allowed holding that the land value fixed by the Land Acquisition Officer shall be Rs.2625/- per Are and that the claimants shall be entitled to enhancement only to the tune of 45% over and above the land value fixed by the Land Acquisition Officer. The claimants shall also be entitled to all statutory benefits including interest on solatium.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.No.70 of 2003

JUDGMENT

5th December, 2007